

FOLLOW-UP FORM FOR:

Right-of-way Vacation
Text Change
Rezoning

Preliminary Plat
Final Plat
Minor Subdivisions

Bulk Development
Conditional Use
PUD

ITEM Land Vacation - Grand Junction Steel

DATE RECEIVED April 3, 1975 ITEM # 7-75

REQUEST Petition for Land Vacation

LOCATION Corner of 12th and 4th Ave

PETITIONER Grand Junction Steel Fabricating Co.

ADDRESS 1701 Third Ave. PHONE NO. _____

~~Keith James Golden~~ att'y. 242-7322
Information Submitted

Fee Submitted \$ 235⁰⁰

Application: yes Plats: 15

Progress Chart

Reviewing Agencies (see attached form) _____ Sign Posted _____

Notice to Adjacent Property Owners _____

Planning Commission: _____

Action Taken: _____

City Council: Approved 20 JAN 1977

Action Taken: subject to dedication of 10' R.O.W. for 12th St. - Council indicated that they would be receptive to a request for revocable permit for the use of the Required dedication.

PUBLICATION DATES: 7 days 1. _____
7 days 2. _____

DATE COMPLETED: _____

GOLDEN, MUMBY & SUMMERS

ATTORNEYS AT LAW

COURTHOUSE PLACE BUILDING - 200 N. 6TH STREET

P. O. BOX 398

GRAND JUNCTION, COLORADO 81501

JAMES GOLDEN
KEITH G. MUMBY
K. K. SUMMERS

AREA CODE 303
TELEPHONE 242-7322

April 3, 1975

Director of Development
City of Grand Junction
Grand Junction City Hall
Grand Junction, Colorado 81501

Re: Vacation Application of Grand Junction
Steel Fabricating Co.

Gentlemen:

1. Description of petitioner and land to be vacated.

As corporate counsel for Grand Junction Steel Fabricating Co., of 1101 Third Avenue, Grand Junction, Colorado 81501, we do hereby request the favorable consideration of the City Planning Commission and the City Council for the vacation of the following described parcels:

PARCEL NO. 1

Commencing at the Southeast Corner of Block 16 of Milldale Subdivision, City of Grand Junction, County of Mesa, State of Colorado, thence West along the South boundary line of Block 16 of Milldale Subdivision to a point 10 feet West of the Southwest Corner of Block 16 of Milldale Subdivision, thence South to a point 10 feet West of the Northwest Corner of Block 23 of Milldale Subdivision, thence Easterly along the North line of Block 23 of Milldale Subdivision to the Northwest Corner of Block 23 of Milldale Subdivision thence North to the point of beginning. This parcel is commonly described as all that part of Fourth Avenue lying between South 11th and South 12th Streets and the East 10 feet of South 11th Street at its intersection with Fourth Avenue.

PARCEL NO. 2

Commencing at the Southeast Corner of Lot 17 of Block 23 of Milldale Subdivision, City of Grand Junction, County of Mesa, State of Colorado, thence West along the South line of Lots 7 to 17, both inclusive, of Block 23 of Milldale Subdivision to the Southeast Corner of Lot 6 of Block 23 of Milldale Subdivision, thence South to the Northwest Corner of Lot 29 of Block 23 of Milldale Subdivision, thence East along the North line of Lots 28 to 18, both inclusive, of Block 23 of Milldale Subdivision to the Northeast Corner of Lot 18 of Block 23 of Milldale Subdivision, thence North to the point of beginning. The parcel herein described is commonly described as the unvacated portion of the East West Alley in the block bounded by South 11th Street on the West and South 12th Street on the East and Fourth Avenue on the North and Winters Avenue on the South.

2. Reasons for vacation.

The reasons that the petitioner is seeking the above vacation of the above tracts are as follows:

(a) The petitioner is an expanding and growing industrial firm. The petitioner has substantial investment in plant and equipment at the site where it is conducting its business and it is to the petitioner's best interests that the above described parcels be integrated and incorporated as a part of the petitioner's site.

(b) The two parcels sought to be vacated by the petitioner have factually been integrated, incorporated and used by the petitioner in conjunction with the petitioner's usage of the balance of the site.

(c) The Fourth Avenue segment (Parcel No. 1) has never been open as a street and has been available for the exclusive, and used exclusively, by the petitioner pursuant to the terms of a revocable permit issued by the City of Grand Junction on the 9th day of April, 1957. This permit was recorded September 3, 1963 at Book 854, Page 235 of the Mesa County records.

(d) The alley segment (Parcel No. 2) was effectively rendered a dead-end right-of-way by the City of Grand Junction's act of vacating the remaining alley way situated in Block 23 of Milldale Subdivision on the 6th day of October, 1954 by the adoption of Ordinance No. 899. This ordinance was recorded on November 4, 1955 at Book 667, Page 96 of the Mesa County records.

(e) By reason of the non-usage by the general public of the above described parcels, and the above referred to actions taken by the City of Grand Junction which reaffirm and establish the lack of need or necessity of the two parcels for a public right-of-way, we are of the opinion that it has been fully established that such rights-of-way would be better utilized by granting petitioner's application for vacation so that these rights-of-way may be legally integrated and incorporated with the balance of the property owned by the petitioner in the area.

3. Names and addresses of surrounding property owners and persons affected by the petition.

The only property owner of interest who owns property adjoining the area sought to be vacated is Whitewater Building Materials whose address is Box 1769, Grand Junction, Colorado and who has informed the petitioner that it would join with the petitioner in petitioner's request for vacation. Whitewater Building Materials owns Lots 1 to 6, both inclusive, and 27 to 34, both inclusive, of Block 23, Milldale Subdivision. The property owned by Whitewater Building Materials is the only property that could conceivably be served by the rights-of-way petitioner desires vacated by this petition.

4. Site Plan.

In accordance with the filing and processing procedures adopted by the City, the following information and data is supplied relative to the site:

(a) There is submitted herewith Fifteen (15) copies of this petition and of a site plan of the property of the petitioner indicating the relationship between the petitioner's property and the property sought to be vacated.

Director of Development
April 3, 1975
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(b) The property is presently zoned for industrial use and is used for that purpose.

(c) The only utility usage which would be affected by the vacation of the rights-of-way above described is an 18-inch water main owned by the City and located in the center line of the Fourth Avenue segment. It is proposed and suggested that the vacation ordinance contain a provision reserving a sufficient right-of-way for the water line together with reasonable rights of ingress and egress thereto for maintenance purposes.

(d) The site plan submitted herewith shows all surrounding streets and current access to the petitioner's plant.

(e) The site plan submitted herewith does not show contours. For our purposes the petitioner deems that all parcels owned by the petitioner, and the parcels sought to be vacated, are level.

5. Payment of fee.

In accordance with your filing and processing rules and regulations there is forwarded herewith our firm check made payable to the order of the City of Grand Junction in the amount of \$235.00 in payment of the required fee.

6. General Matters.

If there is any further or additional information which you may require for preliminary consideration of this petition, please contact the undersigned.

Sincerely yours,

GOLDEN, MUMBY & SUMMERS

By 

JG:bh
Enclosures

cc: Grand Junction Steel Fabricating Co.

GOLDEN, MUMBY & SUMMERS

ATTORNEYS AT LAW

COURTHOUSE PLACE BUILDING - 200 N. 6TH STREET

P. O. BOX 398

GRAND JUNCTION, COLORADO 81501

AREA CODE 303
TELEPHONE 242-7322

JAMES GOLDEN
KEITH G. MUMBY
K. K. SUMMERS

April 7, 1975

Director of Development
City of Grand Junction
Grand Junction City Hall
Grand Junction, Colorado 81501

Re: Petition of Grand Junction Steel Fabricating Co.
of April 3, 1975 for vacation of certain streets

Gentlemen:

We are advised by management of Grand Junction Steel Fabricating Co. that our letter of April 3, 1974 was erroneous in one respect.

At paragraph 4(c) we stated that there was only one utility easement extant on the premises sought to be vacated. We reported that easement to be an underground easement utilized by the City of Grand Junction for the maintenance of an 18-inch water main. We are now informed that the Public Service Co. has an aerial transmission line which passes over the 4th Avenue segment of the proposed parcels to be vacated.

We are further informed that during the years that the petitioner has used portions of 4th Avenue under the revocable permit issued by the City of Grand Junction in April of 1957 there has been no conflict between the petitioner's usage of said segment of 4th Avenue and the rights enjoyed by the Public Service Co. under its right-of-way.

The petitioner would have no objection to the ordinance vacating the right-of-way containing a specific provision that the rights of the Public Service Co. as established by the existing aerial right-of-way would be preserved and protected and unaffected by said vacation.

Would you kindly take this letter as an amendment to our letter of April 3. We are supplying you with original and 15 copies thereof in order that each party who received a copy of the original may have a copy of this amendment.

Sincerely yours,

GOLDEN, MUMBY & SUMMERS

By 

JG:bh

cc: Grand Junction Steel Fabricating Co.
Whitewater Building Materials



City of Grand Junction, Colorado

June 4, 1975

Mr. James Golden
200 North 6th Street
Grand Junction, Co. 81501

Re: Request to vacate a portion of 4th Avenue between
10th and 12th Streets by Grand Junction Steel
Fabricating, Inc.

Dear Mr. Golden:

In confirmation of our meeting today, the following is the revised conditions under which the City is willing to grant subject vacation.

Traffic wise, there is no problem as 4th Avenue has not been open, and Winters Avenue which has just been improved by I.D.I. will handle the local east-west traffic.

The City has an eighteen inch cast iron water main in this right of way which must be provided for. We agree to the street vacation as requested with the following provisions:

1. An easement along the length and extending fifteen (15) feet on each side of the water line shall be provided to the City.
2. Grand Junction Steel will not permit the storage of large objects or steel stock over this easement.
3. The easement should be marked (pavement marking or signs) to alert employees of the risk present, with marking materials or signs to be furnished by City.

Yours truly,

A handwritten signature in cursive script that reads "J. E. Patterson".

J. E. Patterson
Utilities Director

JEP/hm

GOLDEN, MUMBY & SUMMERS

ATTORNEYS AT LAW

COURTHOUSE PLACE BUILDING - 200 N. 6TH STREET

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GRAND JUNCTION, COLORADO 81501

JAMES GOLDEN
KEITH G. MUMBY
K. K. SUMMERS

AREA CODE 303
TELEPHONE 242-7322

July 15, 1975

Don Warner
Planning Director
City of Grand Junction
Grand Junction, Colorado 81501

Re: Vacation Application of Grand Junction
Steel Fabricating Co.

Dear Mr. Warner:

At the June 25, 1975 meeting of the Grand Junction Planning Commission the application of Grand Junction Steel for vacation of that part of Fourth Avenue lying between South 11th and South 12th Street and the unvacated portion of the alley lying within the block situated between South 11th and South 12th Street with Fourth Avenue as its north boundary and Winters Avenue as its south boundary was approved subject to Grand Junction Steel agreeing to the following conditions:

CONDITION NO. 1: In accordance with negotiations that were conducted between Grand Junction Steel and the Utilities Department of the City of Grand Junction, Mr. J. E. Patterson, Utilities Director of the City, issued his memorandum of June 4, 1975 which contained the restrictions which the City desired to incorporate within the vacating ordinance to preserve and detail the rights that the City was retaining within said right-of-way. These rights were as follows:

(a) An easement along the length and extending fifteen (15) feet on each side of the water line located within the right-of-way shall be provided to the City;

(b) Grand Junction Steel will not permit the storage of large objects or steel stock over the easement; and

(c) The easement should be marked (pavement marking or signs) to alert employees of the risk present, with marking materials or signs to be furnished by the City.

Mr. Don Warner
July 15, 1975
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CONDITION NO. 2: That in consideration for the vacation of the street and alleyway, Grand Junction Steel would agree to convey to the City of Grand Junction the east ten (10) feet of the property which Grand Junction Steel owns adjoining South 12th Street with the City of Grand Junction to issue irrevocable permit to allow Grand Junction Steel to use such property until the City should have a need therefor.

At prior hearings personnel of the Grand Junction City Planning Commission had indicated their intent to consider the imposition of Condition No. 2 as a condition to the adoption of the vacation ordinance. As attorney for Grand Junction Steel, I was authorized to seek a compromise with the Planning Commission and offer in behalf of Grand Junction Steel that Grand Junction Steel would enter into an agreement with the City of Grand Junction which would provide that in the event the City needed the ten foot right-of-way along South 12th Street as a result of the construction of a bridge connecting South 12th Street with Orchard Mesa, Grand Junction Steel would deed said right-of-way to the City of Grand Junction conditioned upon the City's need for said bridge arising within fifteen (15) years from the date of the grant.

The compromise proposed by the company was not acceptable to the City Planning Commission and they proceeded to adopt and incorporate Condition No. 2 above stated as their recommendation to the City Council.

At the time the City Planning Commission took the action with respect to this matter, I informed the City Planning Commission that I did not have the authority to inform the City Planning Commission as to whether or not the action taken by the City Planning Commission was acceptable to my client.

Since the June 25 meeting of the City Planning Commission, I have met with management and the Board of Directors of my client and have reported to my client the current status of this application.

My client has determined that the imposition of Condition No. 2 upon my client's application for vacation is unacceptable to my client. Under these circumstances, I have been directed by my client to advise you that it is my client's wish that this matter be tabled indefinitely pending the development of suf-

Mr. Don Warner
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efficient planning to indicate whether or not there will, in fact, be constructed a bridge connecting South 12th Street with Orchard Mesa, or, at the option of the Planning Commission, if the Planning Commission desires to clear its agenda of this item, this item may be withdrawn from further consideration.

For myself, and in behalf of my client, I wish to thank you and the members of the Planning Commission for your patience that you have shown in considering this application.

Sincerely yours,

GOLDEN, MUMBY & SUMMERS

BY 

JG:bh

cc: Mr. M. A. Cornelison, President
Grand Junction Steel Fabricating Co.
1101 Third Avenue
Grand Junction, Colorado 81501